

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

MISC.# 3:06me06-V

FILED
CHARLOTTE, N. C.

JAN 13 2006

U. S. DISTRICT COURT
W. DIST. OF N. C.

FOR THE MATTER OF THE DESTRUCTION
OF WEAPONS SEIZED BY THE U.S. PROBATION
OFFICE FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

ORDER

THIS MATTER is before the Court on request of the Chief U.S. Probation Officer for the Western District of North Carolina and arises from the need to destroy weapons which were seized by U.S. Probation Officers during the performance of their official duties. The attached list of weapons which are identified by serial number, manufacturer, model number, description and corresponding case will be destroyed under the guidelines of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) and Administrative Office of the U.S. Courts (AO).

Now, therefore, IT IS ORDERED that the U.S. Probation Office destroy the identified weapons using the procedures set forth by the BATFE and AO.

This Order shall take effect immediately.

IT IS SO ORDERED this 12th day of January, 2006.



Richard L. Voorhees
Chief U.S. District Court Judge

Weapons Seized by POs For Destruction Needing Court Order

ASHEVILLE OFFICE

USPO Eric Simpson's Cases

Shawn Coleman - PACTS # 6724, Docket # 1:98cr219-7

Winchester Model 77 Long Rifle with #2462 printed on it. Taken on 10/28/99. Convicted of Conspiracy to Possess with the Intent to Distribute and Distribute Cocaine and Cocaine Base and sentenced on 8/25/99 to 70 mos. imprisonment and 5 years of TSR. Self surrendered to BOP on 1/25/00. To the best of my recollection the property was taken during a routine home visit when the USPO visually observed the weapon in an open closet. Defendant indicated that the weapon had been in his residence for years and had belonged to a family member before the family member died. Taken to keep defendant in compliance with bond conditions and to ensure officer safety. No property receipt was available at the time but the USPO provided defendant with a handwritten receipt and one was placed in the case file. Picked up by Steve Whisenant from Scott Aldridge on 6-7-05. There is no evidence sheet.

John Henry Watty- PACTS # 8235, Docket # 2:99cr98-1

Power master 66, .177 Caliber Pellet/BB Repeater #498207236 listed on it. Taken on 11/5/99. Convicted of Possess with the Intent to Distribute Marijuana and sentenced on 2/28/01 to 8 mos. imprisonment and 2 years of TSR. Defendant was detained at sentencing. Property taken during a routine home visit. To the best of my recollection, the defendant indicated that he did not have a place to store weapon outside of residence therefore the USPO assumed control for officer safety and to keep defendant in compliance with bond conditions. No property receipt was available at the time but the USPO provided the defendant with a handwritten receipt and placed a receipt in the defendant's file. Picked up by Steve Whisenant from Scott Aldridge on 6-7-05. There is no evidence sheet.

Tiffany Bell - PACTS # 8548, Docket # 1:00cr5-11

(1) Curved Bladed Knife with electrical tape around handle and leather belt holder. Also **(2) a Machete with tan leather sheath.** Taken on 2/15/00. Bond revoked on 10/25/00.

Convicted of Conspiracy to Distribute and Possess with the Intent to Distribute Methamphetamine. Defendant and sentenced on 4/18/01 to 46 mos. imprisonment and 3 years of TSR. I believe the property was taken during the initial home visit/EMS installation when the defendant offered it to the USPO voluntarily to remain in compliance with bond conditions. No property receipt was available at the time but the USPO provided the defendant with a handwritten receipt and placed a receipt in the case file. Picked up by Steve Whisenant from Scott Aldridge on 6-7-05. There is no evidence sheet.

USPO Robert Ferguson Case (Updated 10-31-05)

Larry Patterson, PACTS # 10428, Docket # 1:01CR52-12,

On 8/22/01, Larry Patterson was arrested for the charge of Conspiracy to Possess With Intent to Distribute a Quantity of Cocaine and Methamphetamine, Schedule II Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1), 846, and 851. On 10/21/01, he pled guilty. On 10/10/01, a search was conducted at his residence and two knives were seized. These included a

(1) hunting knife with a brown handle and brown case, and a (2) hunting knife with a black handle and black case. On 7/24/02, he was sentenced to 121 months imprisonment with three years supervised release. He was not released at sentencing. The weapons were picked up by Steve Whisenant from Scott Aldridge on 6/7/05. There is an evidence sheet that Steve signed for.

USPO Scott Aldridge's Case

Jonathan K. Mills, PACTS #1204, Docket # F1774814; Subject convicted of Simple Possession of Marijuana 11/2/95. Due to positive u/a's and reports from the community, a search of his vehicle was conducted at the US Probation Office in Asheville on 6/12/97 and the following items were seized: 3 boxes 12 gauge 00 buckshot, 1 box Winchester 12 gauge 4 shot shells, 2 boxes Winchester 12 gauge 00 buckshot, 1 box Winchester 12 gauge 6 shot shells, 1 box Winchester 12 gauge 1 oz. slugs, 1 set of brass knuckles, 1 plastic bag containing rolling papers. Magistrate probation revoked 8/15/97. Term of imprisonment unknown. File is in archives. Additional information not available. Due to subject's violent nature (and threats against me) items that subject could legally possess (ie. shotgun shells) were not returned.

CHARLOTTE OFFICE

USPO Keith Snyder's Case

Sherali Shanshuddin Master, PACTS #, Docket # 1:94CR000280-01

The 22 caliber Mossberg rifle Model #325KC, S/N 88315 with black carrying case was seized from in or around June 1999 during a routine visit to his residence when the weapon was discovered in plain view leaning against a wall while remaining in the rifle case. A violation warrant for Mr. Master's arrest was subsequently issued and on 8/25/99, Mr/ Master's supervised release was revoked and terminated. Supervision in Mr. Master's case was originally received from the ND/GA on 8/18/97. Given that the offender's TSR was revoked and the case closed based on his possession of the firearm and the case, it is recommended that the weapon be destroyed.

USPO Brian Hopkins' Case

Jimmy English, PACTS # 1953, Docket # 3:94CR00095-4

On 01/12/01, Charlotte Mecklenburg Police conducted a search at the residence of former supervisee Jimmy English, located at 320 West Blvd. in Charlotte, and seized a small baggie of marijuana and 3 ½ grams of Cocaine from the bedroom of English. For information, this offender was on supervision for Felon in Possession of a Firearm and he also had a significant history of both using and the illegal sale of narcotic substances. In response to the 01/12 search, the probation office conducted a subsequent search of subject and his residence on 01/18/01. Here is the narrative detailing same: Conducted search of subject's residence, located at 320 West Blvd., Charlotte. USPO's Craig, Hopkins, Snyder and Bowley present. Upon arrival, Ronald English's girlfriend (B/F, approximately mid 20's, 5'00" and 110 lbs) came to the front door of the home and allowed USPOs entry into same. She remained near the entrance of the residence w/ USPO's Craig and Hopkins as USPO's Snyder and Bowley cleared the residence for safety. An individual described as mother's "friend guy" (B/M, approximately early 50s, 5'8" and 185 lbs) was located in mother's bedroom (on right just past kitchen upon proceeding down hallway of residence) and

subject's father, Jimmy Connor English, Sr. (approximately mid sixties, 5'10" and 150 lbs) was found in the final of three bedrooms (on left just past subject's bedroom). Subject's father was physically disabled, appearing to have little strength and confined to his bed. Father and mother's boyfriend were observed by USPO Craig in father's bedroom while subject and brother's girlfriend were observed by USPO Hopkins and USPOs Snyder and Bowley conducted search of residence. Approximately ten minutes following arrival to residence, Officer John Thorton of the Charlotte Mecklenburg Police Dept. arrived at the home for collateral assistance. The following items were recovered from the home and confiscated: 1) 1 pack of rolling papers; 2) 5 individual razor blades; 3) 3 magazines (2 related to illicit drug use and 1 related to law enforcement); 4) 1 **Daisy pellet rifle (Serial # 93D13355)**; 5) 1 **bag of pellets**; and 6) 1 bag of small rubber bands. Officer Thorton advised that he and another officer involved in the police department's 1/12/01 search of subject's residence would complete affidavit's recording seizure of the controlled substances found in subject's coat pocket, which was in turn found in the closet of subject's bedroom. In addition, Officer Thorton indicated he would be present to testify in Court in reference to same. Apparently, all contraband seized except the pellet gun has all ready been destroyed per judicial order. As the pellet gun is no longer needed for evidence, it is recommended that the Court order destruction of the pellet gun at this time as well. For clarification, English was ultimately revoked for the cited violation conduct and his whereabouts are unknown at this time. Thanks.

USPO Steve Levinshon's Cases

Broderick Nelson, PACTS # 13993; Docket # 0419/3:04CR00082-001; Sentenced to 57 months imprisonment on 11/1/05 for Unlawful Transportation of a Firearm. U.S. Probation Officer Levinsohn was at subject's residence on 1/27/05 and noticed a butterfly knife at foot of subject's bed. USPO seized the weapon and gave subject a receipt. Subject was sentenced on 11/1/05. **"Items to be destroyed - one black butterfly knife."**

David Tonne, PACTS # 11872; Docket # 0419/3:02CR00234-001; Sentenced on 7/24/03 to 30 months imprisonment for Bank Robbery. U.S. Probation Officer Levinsohn seized a dark red & black butterfly knife from subject on 2/6/03 from 11030 Carmel Crossing Dr., Charlotte, NC. No other information available. Subject has since been sentenced and is currently on TSR with U.S. Probation Officer Graybill. **"Items to be destroyed - one dark red & black butterfly knife."**

dcuspo/disposed of items/weapons sized by POs for destruction needing order